

[counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. CV 10-03561 WHA

**STIPULATION AND [PROPOSED]  
ORDER RE CASE MANAGEMENT  
AND PHASE 3 ISSUES**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William Alsup

1  
2 To simplify the proceedings in this matter, the parties hereby stipulate and agree to the  
3 following:

4 Subject to Court approval, the issue of willfulness with respect to patent infringement will  
5 be submitted to the jury in Phase 2 of this trial. Should Oracle introduce additional evidence  
6 relating to willfulness, Google will have the right to introduce additional responsive evidence.  
7 Both shall be subject to the time limits previously set for Phase 2.

8  
9 **[PROPOSED] ORDER**

10 The foregoing stipulation is approved, and IT IS SO ORDERED.

11  
12  
13 Date: \_\_\_\_\_

\_\_\_\_\_  
Honorable William Alsup  
Judge of the United States District Court

Dated: May 13, 2012

KEKER & VAN NEST LLP

By: /s/ Robert A. Van Nest

KEKER & VAN NEST LLP  
ROBERT A. VAN NEST (SBN 84065)  
rvannest@kvn.com  
CHRISTA M. ANDERSON (SBN 184325)  
canderson@kvn.com  
DANIEL PURCELL (SBN 191424)  
dpurcell@kvn.com  
633 Battery Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

KING & SPALDING LLP  
SCOTT T. WEINGAERTNER (Pro Hac Vice)  
sweingaertner@kslaw.com  
ROBERT F. PERRY  
rperry@kslaw.com  
BRUCE W. BABER (Pro Hac Vice)  
bbaber@kslaw.com  
1185 Avenue of the Americas  
New York, NY 10036-4003  
Telephone: (212) 556-2100  
Facsimile: (212) 556-2222

KING & SPALDING LLP  
DONALD F. ZIMMER, JR. (SBN 112279)  
fzimmer@kslaw.com  
CHERYL A. SABNIS (SBN 224323)  
csabnis@kslaw.com  
101 Second Street - Suite 2300  
San Francisco, CA 94105  
Telephone: (415) 318-1200  
Facsimile: (415) 318-1300

GREENBERG TRAURIG, LLP  
IAN C. BALLON (SBN 141819)  
ballon@gtlaw.com  
HEATHER MEEKER (SBN 172148)  
meekerh@gtlaw.com  
1900 University Avenue  
East Palo Alto, CA 94303  
Telephone: (650) 328-8500  
Facsimile: (650) 328-8508

*Attorneys for Defendant*  
GOOGLE INC.

Dated: May 13, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Michael A. Jacobs

DAVID BOIES (Admitted *Pro Hac Vice*)

dboies@bsfllp.com

333 Main Street

Armonk, NY 10504

Telephone: (914) 749-8200

Facsimile: (914) 749-8300

STEVEN C. HOLTZMAN (Bar No. 144177)

sholtzman@bsfllp.com

FRED NORTON (Bar No. 224725)

fnorton@bsfllp.com

1999 Harrison St., Suite 900

Oakland, CA 94612

Telephone: (510) 874-1000

Facsimile: (510) 874-1460

ALANNA RUTHERFORD (Admitted *Pro Hac Vice*)

575 Lexington Avenue, 7th Floor, New York, NY 10022

Telephone: (212) 446-2300

Facsimile: (212) 446-2350

MORRISON & FOERSTER LLP

MICHAEL A. JACOBS (Bar No. 111664)

mjacobs@mofo.com

MARC DAVID PETERS (Bar No. 211725)

mdpeters@mofo.com

DANIEL P. MUINO (Bar No. 209624)

dmuino@mofo.com

755 Page Mill Road

Palo Alto, CA 94304-1018

Telephone: (650) 813-5600

Facsimile: (650) 494-0792

ORACLE CORPORATION

DORIAN DALEY (Bar No. 129049)

dorian.daley@oracle.com

DEBORAH K. MILLER (Bar No. 95527)

deborah.miller@oracle.com

MATTHEW M. SARBORARIA (Bar No. 211600)

matthew.sarboraria@oracle.com

500 Oracle Parkway

Redwood City, CA 94065

Telephone: (650) 506-5200

Facsimile: (650) 506-7114

*Attorneys for Plaintiff*

ORACLE AMERICA, INC.

**ATTESTATION**

I, Robert A. Van Nest, am the ECF User whose ID and password are being used to file this STIPULATION RE CASE MANAGEMENT AND PHASE 3 ISSUES. In compliance with General Order 45, X.B., I hereby attest that Michael Jacobs has concurred in this filing.

Date: May 13, 2012

/s/ Robert A. Van Nest  
ROBERT A. VAN NEST